

**Ward & Ward, P.C.**

*Michael W. Ward*

*847-682-3100 (cell)*  
*mwward@dnsys.com*

*One Rotary Center*  
*1560 Sherman Avenue*  
*Suite 310*  
*Evanston, IL 60202*

*John F. Ward, Jr.,*  
*of Counsel*  
*312-479-1800 (cell)*  
*jward@leverlerllc.com*

July 29, 2011

By Electronic Filing

Ex Parte Presentation

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., TW-A325  
Washington, D.C. 20554

Re: CC Docket No. 96-128, Illinois Public Telecommunications Association et al.  
Petitions for Declaratory Ruling

Dear Ms. Dortch:


On July 27, 2011, Albert H. Kramer, General Counsel of the American Public Communications Council, Michael W. Ward, General Counsel of the Illinois Public Telecommunications Association, and Keith J. Roland, General Counsel for the Independent Payphone Association of New York met with Austin Schlick, General Counsel, Julie Veach, Deputy General Counsel, Diane Griffin Holland, Deputy Associate General Counsel, Raelynn Remy, Deputy Associate General Counsel, and Albert Lewis, Chief, Pricing Policy Division, of the Federal Communications Commission to discuss the Associations' respective positions.

Quotes from the Commission's orders noted in the attached document "FCC Presentation (11-07-01)" were referenced to show the violations of the Commission's orders by AT&T and Verizon and the inconsistencies between the actions by the Illinois and New York commissions and the federal requirements of Section 276 as implemented by the Commission. Additional discussion addressed the Commission's prior orders requiring the BOCs to be in actual compliance with the provisioning of cost based services that complied with the new services test as a prerequisite to be eligible for the receipt of dial around compensation. The attached documents "Section 276 of the Act Requires Refunds of Payphone Line Charges in Excess of NST-Compliant Rates", in its entirety, and "Illinois Public Telecommunications Association Reply to AT&T and Verizon Preemption Comments of March 23, 2009", Section IV (C) and (F), were used as part of the discussion regarding the legal necessity for the Commission to order refunds of the illegal overcharges by the BOCs. The "NST-Document Excerpts-talking points" attached were used as talking points in a discussion of various language in the Waiver Order and of why the Waiver Order also requires BOC refunds to payphone providers of line and usage charges that were in excess of what were ultimately found to be new services test compliant

rates. In addition, the following documents were left behind: Docket 96-128 – Reply of the Independent Payphone Association of New York, Inc. to AT&T and Verizon Pre-emption Comments of March 23, 2009, dated January 21, 2010; Letter to Mary Beth Richards, Deputy Bureau Chief, Common Carrier Bureau, from Michael K. Kellogg, on behalf of the RBOC Payphone Coalition, dated April 10, 1997; Letter to Mary Beth Richards, Deputy Bureau Chief, Common Carrier Bureau, from Michael K. Kellogg, on behalf of the RBOC Payphone Coalition, dated April 11, 1997; Proposed FCC Relief in Response to Independent Payphone Association of New York, Inc. Petition for a Declaratory Ruling (undated); Independent Payphone Association of New York Petition for Pre-emption and Declaratory Ruling, CC Docket 96-128, Timeline of New York State Proceeding, dated January 21, 2010; FCC Presentation (11-04-18)(Copps); and FCC Presentation (11-04-25) (Ltr - Copps).

Copies of all the documents presented are attached hereto.

Sincerely,

A handwritten signature in cursive script that reads "Michael W. Ward".

Michael W. Ward

Enclosure

cc: Austin Schlick  
Julie Veach  
Diane Griffin Holland  
Raelynn Remy  
Albert Lewis  
Albert H. Kramer  
Keith J. Roland